

## Message Text

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ACTION NEA-10

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R 041104Z SEP 77  
FM AMEMBASSY KUWAIT  
TO SECSTATE WASHDC 8908

UNCLAS KUWAIT 4990

FOR NEA/ARP

E.O. 11652: N/A  
TAGS: BTRA, KU  
SUBJECT: KUWAITI OFFICIAL COMPLAINS OF U.S. CUSTOMS  
SERVICE TREATMENT

1. FAISAL AL-REFAI, ACTING DIRECTOR OF POLITICAL AFFAIRS AT FOREIGN MINISTRY AND AN IMPORTANT EMBASSY CONTACT, HAS REQUESTED HELP FROM EMBASSY IN PROBLEM ARISING WHEN HIS BROTHER, BADER AL-REFAI, DEPUTY CHIEF MUNICIPAL ENGINEER OF KUWAIT, TRANSITED SEATTLE JULY 22. DCM HAS INTERVIEWED BADER AL-REFAI FOR SPECIFICS OF MATTER. EMBASSY WOULD APPRECIATE NEA/ARP'S CHECKING WITH CUSTOMS TO VERIFY FACTS, AND REQUESTING RESOLUTION OF THE MATTER ON BEST TERMS POSSIBLE. THE MFA OFFICIAL TOLD DCM THAT A NUMBER OF HIS FRIENDS HAD RECENTLY RUN INTO SIMILAR PROBLEMS AT US PORTS OF ENTRY, AND SAID HE COULD NOT BELIEVE KUWAITIS WERE BEING SINGLED OUT FOR POOR TREATMENT BY USG OFFICIALS. A HAPPY RESOLUTION OF THIS CASE WOULD HELP OFFSET BAD IMPRESSION.

2. BADER AL-REFAI LANDED AT SEATTLE JULY 22. HE CARRIED LESS THAN DOLS 3,000 IN CASH, LESS THAN DOLS 600 IN ASSORTED FOREIGN CURRENCY, AND DOLS 6,000 IN AMERICAN EXPRESS TRAVELERS CHECKS. HE STATES THAT CURRENCY DECLARATION FORM WHICH HE SIGNED CALLED FOR DECLARATION OF US CURRENCY OVER DOLS 5,000, WHICH HE DID  
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NOT REALIZE WAS INTENDED TO INCLUDE TRAVELERS CHECKS. NEVERTHELESS HE MADE NO SECRET OF POSSESSING LATTER, OPENED HIS BAGS FOR EXAMINATION BEFORE ASKED, KNOWING THE CHECKS WERE ON TOP IN ONE BAG. HE STATES THAT CUSTOMS OFFICIALS THEN SEARCHED HIM THOROUGHLY AND SEIZED ALL THE CURRENCY AND TRAVELERS CHECKS, GIVING HIM A RECEIPT OF WHICH EMBASSY HAS COPY, AND RETURNING TO HIM DOLS 500

TO USE IN CONTINUING HIS TRAVEL. HE STATES HE WAS TOLD TO WRITE A PETITION, WHICH HE DID, SETTING OUT WHY HE SHOULD NOT BE PENALIZED, AND THAT HIS CASE WOULD BE RESOLVED IN SIXTY DAYS. IF THE RULING WAS IN HIS FAVOR, HE WOULD HAVE TO RETURN TO SEATTLE TO CLAIM HIS MONEY IN PERSON. HE IS UNDER IMPRESSION THAT IF RULING GOES AGAINST HIM, HE WILL SIMPLY FORFEIT THE ENTIRE SUM.

3. CONTINUING HIS TRIP, AFTER OBTAINING DOLS 15,000 BY CABLE FROM KUWAIT, BADER AL-REFAI VISITED JAPAN AND RETURNED TO SAN FRANCISCO WHERE HE CAREFULLY MADE A COMPLETE DECLARATION OF HIS VALUABLES. HE STATES THAT THE CUSTOMS OFFICIAL THERE TOLD HIM THE ONLY PURPOSE OF THE CURRENCY DECLARATION IS TO MAINTAIN STATISTICS ON THE FLOW OF CURRENCY.

4. BADER AL-REFAI NOW FINDS HIMSELF IN KUWAIT, WITHOUT HIS NEARLY DOLS TEN THOUSAND, AND, UNDER THE BEST OF CIRCUMSTANCES, HAVING TO FLY TO SEATTLE SOMETIME THIS FALL TO CLAIM HIS MONEY. WHETHER THE RULING GOES AGAINST HIM OR FOR HIM, THEN, HIS FAILURE TO LIST HIS TRAVELERS CHECKS ON THE DECLARATION FORM WILL HAVE COST HIM A LOT OF MONEY.

5. ACTION REQUESTED:

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(A) VERIFICATION OF FACTS AS PRESENTED ABOVE, WITH U.S. COSTOMS.

(B) INQUIRY WHETHER THERE IS NOT SOME MEANS BY WHICH BADER AL-REFAI'S FUNDS CAN BE RETURNED TO HIM WITHOUT HIS FLYING HALFWAY AROUND THE WORLD TO GET THEM.

(C) CONFIRMATION THAT FAILURE TO DECLARE FUNDS CAN RESULT IN THEIR FORFEITURE. THIS PROCEDURE STRIKES EMBASSY AS AN OUTRAGE, AT BEST, IF IT IS TRUE.

6. COMMENT: BY COINCIDENCE, EMBOFF WHO VISITED STATES ON HOMELEAVE RECENTLY REPORTS READING CUSTOMS DECLARATION FORM BEFORE LANDING, AND WONDERING WHAT THE CURRENCY DECLARATION WORDING WAS INTENDED TO MEAN. MANY KUWAITIS ARE USED TO TRAVELING WITH LARGE SUMS OF MONEY, IN ADDITION TO CHECKBOOKS, CREDIT CARDS, ETC., TO FACILITATE IMPULSE PURCHASE OF EXPENSIVE ITEMS. IF THEY ARE SINGLED OUT (BECAUSE THEY ARE KNOWN TO CARRY MONEY) FOR WHAT THEY WILL CONSIDER HARRASSMENT, BY WAY OF CONTRAST WITH THEIR RECEPTION AT AIRPORTS IN ENGLAND, FRANCE, ETC., THE WORD WILL SPREAD RAPIDLY AMONG THEM, AND THEY WILL PREDICTABLE REDUCE

THEIR VISITS TO THE U.S. IN ADDITION TO THEIR NOT UNDER-  
STANDING WHY USG SHOULD CARE HOW MUCH MONEY THEY BRING IN,  
MANY WILL BE AS PUZZLED AS EMBOFF WAS (AND ALLEGEDLY,  
BADER AL-REFAI) ABOUT MEANING OF THE WORDING ON THE  
DECLARATION. NOTE THAT THE BROTHERS REFAI SPECIFICALLY  
DID NOT RPT NOT COMPLAIN OF ABUSIVE OR RUDE TREATMENT BY  
CUSTOMS OFFICIALS. BADER SAID ONE OF THE SEATTLE OFFICIALS  
HE CONSULTED ABOUT THE PROBLEM TOOK TIME TO HELP HIM DO  
SOME GIFT SHOPPING, AND, IN GENERAL, WHILE THE SEIZURE  
OF HIS FUNDS WAS INCOMPREHENSIBLE TO HIM, THE TREATMENT HE  
WAS ACCORDED SEEMS TO HAVE BEEN HUMANE.  
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